

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DW 06-023

ORDER OF NOTICE

On February 8, 2006, Riverside Water Works (Riverside) and Canaan Fire District No. 1 (“Fire District”) filed a joint petition with the New Hampshire Public Utilities Commission (Commission) seeking authorization to transfer Riverside’s water utility assets and franchise to the Fire District and also requesting exemption from regulation pursuant to RSA 362:4. Riverside and the Fire District filed a similar request for approval with the Vermont Public Service Board (Vermont). Vermont approved the Fire District’s request for the purchase and transfer of Riverside assets franchise on September 13, 2006. Riverside is a regulated public utility serving a total of 106 customers in Beecher Falls, Vermont and Stewartstown, New Hampshire. Thirty-six of those customers reside in New Hampshire. The Fire District is a municipal entity under Vermont law, and already owns and operates a separate water system in Canaan, Vermont which serves approximately 175 customers.

According to an Asset Purchase Agreement, dated January 25, 2006 and submitted with the petition, Riverside will transfer all real estate, water facilities, easements and rights of way to the Fire District. Upon transfer to the Fire District, a managing committee of the Fire District, and the Fire District Prudential Committee, will operate and maintain the Riverside system.

According to the petition, the Fire District intends to provide the same quality and quantity of water service on both sides of the state line, and intends to maintain the same rates to

both Vermont and New Hampshire customers within the Riverside system. Also, the Fire District commits to undertake any necessary improvements to the Riverside system to maintain compliance with the standards of the Vermont Agency of Natural Resources.

On July 28, 2006, Staff of the Commission (Staff) filed a letter recommending the Commission approve the requests in this docket. Staff's letter reported that the New Hampshire Department of Environmental Services (NHDES) had issued a letter regarding the availability and suitability of water at Riverside's system, pursuant to RSA 374:22, III. According to Staff, Riverside provided an individual notice to all New Hampshire customers directing customers to contact Commission Staff if they had concerns or wanted more information. Staff's letter indicates that Staff was not contacted by any customers. Staff also notes that meetings have been held in the Beecher Falls-Stewartstown area over the last two years regarding water supply issues and that therefore customers have been aware of efforts to deal with these issues.

Riverside's petition is governed by RSA 374:22, "[n]o person or business entity shall...exercise any right or privilege under any franchise...without first having obtained the permission and approval of the commission..." and RSA 374:30, "[a]ny public utility may transfer or lease its franchise, works or system...when the commission shall find that it will be for the public good."

The filing raises, inter alia, issues related to the managerial, financial, and technical expertise of the petitioners, compliance with the requirements of the Vermont Agency of Natural Resources, NHDES and the U.S. Environmental Protection Agency, planning for future capital improvements, ongoing regulation of the Riverside system by the Commission, water rate and service disparity between municipal and non-municipal customers and more

generally whether the transfer is for the public good. Each party has the right to have an attorney represent them at their own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on October 12, 2006 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Admin. Rule Puc 203.15(c) shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Riverside, the Fire District, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and allow Riverside and the Fire District to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that a final hearing in this matter shall be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on November 8, 2006 at 10:00 a.m. for the Commission to consider whether to approve the proposed transfer of Riverside to the Fire District; and it is

FURTHER ORDERED, that Riverside and the Fire District serve an accurate and complete copy of their joint petition and a copy of this Order of Notice on the clerk of the town of Stewartstown, New Hampshire by first class U.S. Mail, postmarked no later than October 5, 2006; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.12, Riverside and the Fire District shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than October 2, 2006, in a newspaper with

general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before October 12, 2006; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Riverside and the Fire District and the Office of the Consumer Advocate on or before October 9, 2006, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before October 12, 2006; and it is

By order of the Public Utilities Commission of New Hampshire this twenty-sixth day of September, 2006.

Debra A. Howland
Executive Director & Secretary

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.